

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

KIRMAREY ELLINGTON,

Petitioner,

v.

WARDEN, SOUTHEASTERN
CORRECTIONAL INSTITUTION,

Respondent.

Case No. 1:19-cv-672
JUDGE DOUGLAS R. COLE
Magistrate Judge Merz

ORDER

On July 6, 2020, Magistrate Judge Merz issued a Report and Recommendation (the “R&R”) (Doc. 17) recommending that this Court dismiss with prejudice Petitioner Kirmarey Ellington’s Petition for Writ of Habeas Corpus (Doc. 1) because Ellington’s four grounds for relief lacked merit (*see* R&R at 6, 11, 15, 18, #1110, 1115, 1119, 1122). The R&R advised the parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (*See id.* at 19, #1123).

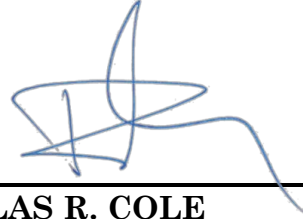
Now, the time period for objection has run, and no party has objected. 28 U.S.C. § 636(b)(1)(C). “There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.” *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting “fail[ure] to file an objection to the magistrate judge’s R&R ... is forfeiture, not waiver”) (emphasis in original).

Thus, the Court **ADOPTS** Magistrate Judge Merz's R&R (Doc. 17) and hereby **DISMISSES WITH PREJUDICE** Ellington's Petition (Doc. 1). The Court **DIRECTS** the Clerk to enter judgment accordingly.

SO ORDERED.

July 30, 2020

DATE



DOUGLAS R. COLE
UNITED STATES DISTRICT JUDGE